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PURPOSE OF THIS DOCUMENT

This document provides information about how to assess applicants for residence and temporary student visas who have special education needs. It offers guidance about how to request further information, get an assessment from the Ministry of Education and write ASH opinions. It also clarifies how children applying for visitor visas or providing Limited Medical Certificates (LMCs) can be assessed.

BACKGROUND

The Ongoing Resourcing Scheme (ORS) is funded by the Ministry of Education. The need for ORS funding is listed in A4.10.5 of Immigration Instructions as a condition likely to impose significant costs and demands on New Zealand's special education services.

Special education services include:

- Speech Language Therapy (SLT)
- Occupational Therapy (OT)
- Physiotherapy (PT)
- a teacher aide
- Resource Teachers of Learning and Behaviour (RTLBs), or
- assistive technology, such as a laptop with voice recognition software.

Depending on their physical, intellectual, sensory or behavioural condition, or group of conditions a student's requirements can range from very minor input such as simply needing SLT assistance to needing ORS funding.

Visa applicants who qualify for ORS funding

Any applicant for a residence or temporary entry visa who may meet the criteria for ORS funding must be referred to the Ministry of Education for assessment before you give an opinion about their standard of health.

ABOUT ORS FUNDING

The ORS supports students with the highest level of need for special education so they can join in and learn alongside other students at school. To be accepted for funding they must meet Ministry of Education criteria. If they qualify for funding, it stays with them throughout their time at school up to the age of 21.

To meet ORS criteria, students must have:

- ongoing extreme or severe difficulty in any of the following areas – learning, hearing, vision, physical, or language use and social communication, or

- moderate to high difficulty with learning, combined with very high or high needs in any two of the following areas – hearing, vision, physical, or language use and social communication.

[Criteria and definitions for ORS – Ministry of Education](#)

Around 1% of students receive this support at any one time.

What ORS funding offers

ORS funds two levels of need: very high needs and high needs.

ORS provides services and support, including:

- specialists such as SLTs, psychologists, OTs, PTs, advisers on deaf children, special education advisors, orientation and mobility instructors among others
- additional or specialist teachers who coordinate the student's learning programme with the class teacher
- teacher aides to support the student's learning programme and include students in class programmes and activities, and
- consumables, such as computer software, extra-size pens and pen grips, Braille machine paper, laminating pouches, or CDs and DVDs.

[About ORS – Ministry of Education](#)

ASSESSING SPECIAL EDUCATION NEEDS FOR ASH REQUIREMENTS

If student or resident visa applicants might meet the criteria for ORS funding, they must be referred to the Ministry of Education for an opinion from an ORS Assessor.

Request an ORS assessment if the applicant is of school age but under 21 years of age, and has:

- applied for a student visa or a resident visa
- a physical, intellectual, sensory or behavioural condition that indicates possible eligibility for ORS funding – this could include learning difficulties, special needs, developmental issues or delay, or low IQ.

You must also refer applicants who:

- already receive ORS funding
- have a condition you know qualifies for ORS funding
- are 4 years old and have a condition which may qualify for ORS funding.

Before you request an ORS assessment

Before you make a FIR to an ORS assessor, gather all the information relevant to the applicant's special education needs and any medical conditions they have.

If the case is referred to the Ministry without the necessary information, the ORS assessor may not be able to provide an opinion. This can slow down the visa application process and may cost the applicant more money if they need to get further information for a second assessment.

Assessing medical conditions for applicants with special education needs

When an applicant has been assessed as being eligible for ORS funding, also consider:

- the nature of the applicant's medical condition
- their current level of daily functioning, and
- how they will manage in the future.

School-aged visitor visa applicants

You cannot request an ORS assessment for school-aged children applying for a visitor visa even if it appears there is a possibility they may be eligible for ORS funding.

Applicants who provide Limited Medical Certificates (LMCs)

Applicants who provide a Limited Medical Certificate (LMC) are subject to different criteria. However, if a child who has provided a LMC has any conditions which might qualify for ORS funding, request an ORS assessment.

Student visa applicants 21 years and older

Students older than 21 cannot receive ORS funding. Assess these applicants under the medical visa requirements and not special educational or ORS criteria.

MAKING FURTHER INFORMATION REQUESTS (FIRS) TO APPLICANTS WITH SPECIAL EDUCATION NEEDS

Requesting supporting information from specialists

Depending on the special needs of the applicant you may need to make FIRs to:

- a developmental paediatrician, who can provide a medical opinion regarding any developmental disability, including physical, intellectual or cognitive disabilities
- an educational psychologist, who can provide an assessment of:
 - the applicant's overall intellectual and cognitive ability
 - their current developmental status
 - a prognosis of the conditions
- a SLT, who can assess any communication issues
- an OT, who can assess any difficulties with daily functions and physical limitations
- a physiotherapist, who can assess their physical limitations.

Note

It can sometimes be difficult to get specialist information for applicants living in some countries. For example, consider requesting a paediatrician assessment's rather than an assessment from an educational psychologist for an applicant living in countries with limited specialist resources.

It may be difficult to determine whether a young child could live independently in the future. If you are requesting a FIR from an educational psychologist or a paediatrician, ask them to comment on:

- whether the applicant currently requires a level of assistance with their ADLs that is significantly higher than other children of the same age
- how this is likely to change over time, and
- if, as an adult, they:
 - may be able to live independently, and
 - will need help with their ADLs.

Requesting information from a school

Always make a FIR for a letter from the applicant's school or preschool. Ask for details of:

- any educational supports they need or already receive
- how the applicant functions and participates while at school, and
- a copy of the applicant's most recent Individualised Education Plan (IEP).

If an applicant disputes the Ministry of Education's ORS assessment

If an applicant provides information to dispute the Ministry's opinion that they qualify for ORS funding, the new information must be referred back to the ORS assessor for a second opinion.

Your opinion is based on the new ORS assessment. If the applicant is applying for residence, also refer the medical information for a medical referee's opinion.

ASH OUTCOMES FOR APPLICANTS WITH SPECIAL EDUCATION NEEDS

Outcomes for residence and student visa applicants

If an applicant meets ORS criteria and is applying for a resident visa or temporary student visa, the outcome will be likely NOT ASH.

If there is more than one reason that an applicant is likely to be NOT ASH then provide all the reasons for a NOT ASH outcome in your opinion. For example, children with medical conditions which have resulted in the need for special education services, may also impose a high cost on health services.

Applicants who qualify for ORS funding

If an applicant for a resident or student visa qualifies for ORS funding, use this wording to support your NOT ASH opinion.

Likely to impose significant costs or demands on New Zealand special education services.

Also include:

- all the relevant information about the medical condition that has resulted in the applicant being eligible for ORS funding and make it as detailed as possible
- confirmation from the ORS assessor that the applicant meets the criteria for ORS funding, or that the applicant already receives this
- any additional information provided by the ORS assessor, such as costs, and
- any information relating to a second assessment, including the information provided by the applicant to dispute the original Ministry of Education assessment.

Applicants who do not qualify for ORS funding

If an ORS assessment is returned advising that a student visa applicant is unlikely to be eligible for ORS funding, consider whether any of the applicant's conditions will impose significant costs or demands on our health services and, if not, whether an AWC outcome is appropriate.

If an ORS assessment is returned advising that a residence applicant is unlikely to be eligible for ORS funding, consider whether the applicant has any conditions on the A4.10.1 list of high-cost health conditions or has any conditions likely to cost more than the threshold of \$81,000 to manage. If so, detail these in your likely NOT ASH opinion.

Outcomes for applicants providing LMCs

If an applicant who provides an LMC has been assessed as eligible for ORS funding then comment on in your opinion. Refer to the Immigration New Zealand Guidelines for Medical Assessors for information on recording outcomes for LMCs.

Outcomes for school-aged visitor visa applicants

You cannot give an opinion of likely NOT ASH for a visitor visa applicant on the basis that they may qualify for ORS funding if an assessment was done. Instead, consider an AWC outcome. This means that your likely ASH opinion would only apply for the length of the visitor visa. In your opinion, specify the updated medical information they need to provide if they apply for another visa.

If you are proceeding with a likely NOT ASH opinion for a school-aged visitor visa applicant do not refer to any likelihood of costs or demands being imposed on special education services. In your opinion, include:



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- that they are likely to impose significant costs or demands on New Zealand health services, and
- provide details of the medical condition that means they are likely NOT ASH.

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